

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1419

By: Smith of the Senate

and

Erwin of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to bail bondsman; amending 59 O.S. 2001, Sections 1316 and 1320, which relate to signing of bonds and registration of license and fee; modifying certain fees; authorizing distribution of certain fees; clarifying language; adding certain person to represent another as agent in certain situation; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1316, is amended to read as follows:

Section 1316. A. 1. A bail bondsman shall ~~not~~ neither sign nor countersign in blank any bond, nor shall ~~he~~ the bondsman give a power of attorney to, or otherwise authorize, anyone to countersign his or her name to bonds unless the person so authorized is a licensed surety bondsman or managing general agent directly employed by a licensed professional bondsman giving such power of attorney. The professional bondsman shall submit to the Commissioner the agreement between the professional bondsman and the employed bondsman. The professional bondsman shall notify the Commissioner whenever any agreement is canceled.

2. Bail bondsmen shall not allow other licensed bondsmen to present bonds that have previously been signed and completed by other licensed bondsmen unless a written authorization is on file

with the court clerk where the bond is filed. The individual that presents the bond shall sign the form in the presence of the official that receives the bond.

B. Premium charged must be indicated on the appearance bond prior to the filing of the bond.

C. A bail bondsman shall provide the indemnitors with a proper receipt which shall include fees, premium or other payments and copies of any agreements executed relating to the appearance bond.

D. All surety bondsmen or managing general agents shall attach a completed power of attorney to the appearance bond that is filed with the court clerk on each bond written.

E. Any bond written in this state shall contain the name and last-known mailing address of the bondsman and, if applicable, of the insurer.

F. The court clerk shall charge a fee of ~~Ten Dollars (\$10.00)~~ Thirty-five Dollars (\$35.00) for the initial filing of any bond, which fee shall be assessed as a court cost to the defendant. The court clerk shall remit on a monthly basis Twenty-five Dollars (\$25.00) of every Thirty-five Dollar (\$35.00) fee to the Sheriff's Jail Fund or to a special revenue fund of the entity operating the jail.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1320, is amended to read as follows:

Section 1320. A. No bail bondsman shall become a surety on an undertaking unless ~~he~~ the bondsman has first registered his or her license in the office of the sheriff and with the clerk of the district court in the county in which the bondsman resides or offices, but not both. In the county in which a bondsman registers his or her license, ~~he~~ the bondsman shall provide the court clerk with proof that he or she is a resident of ~~said~~ such county or that he offices in ~~said~~ such county. The court clerk of the county shall provide a list of bondsmen permitted to write surety in that county

to the judges and law enforcement offices of that county. In any county not having a licensed bondsman authorized to do business within ~~said~~ such county, the court having jurisdiction shall allow and fix bail.

A surety bondsman shall also file a certified copy of his or her appointment by power of attorney from the insurer or professional bondsman which he or she represents as agent with each of ~~said~~ such officers. A fee of Ten Dollars (\$10.00) shall be paid to the district court clerk for each county in which the bail bondsman registers his or her license. The fee shall be payable annually by the date of license renewal. The clerk of the district court and the sheriff shall not permit the registration of a bail bondsman unless such bondsman is currently licensed by the Insurance Commissioner under the provisions of Section 1301 et seq. of this title.

B. Notwithstanding the foregoing provisions of this section, a bondsman may write bonds on no more than ten defendants per year in each of the remaining seventy-six counties of this state in which the bondsman cannot register his or her license. Provided, however, a bondsman shall not be limited to writing bonds on only ten defendants per year in a county which does not have a licensed bondsman registered in ~~said~~ such county. The bondsman shall advise the court clerk of each such county in writing of his or her intention to write bonds in the county and shall file a certified copy of his or her license with and pay a fee of Ten Dollars (\$10.00) to each such court clerk.

SECTION 3. This act shall become effective July 1, 2004.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

49-2-3306

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